

B A R N O W  A S S O C I A T E S

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March 17, 2015

Via CM/ECF

The Honorable Ann D. Montgomery
United States District Court
13W U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: *In re Supervalu Inc., Customer Data Security Breach Litigation*, MDL No. 2586

Dear Judge Montgomery:

Pursuant to the Court's March 4, 2015 letter, the Parties jointly submit the following:

Additional cases. The Parties currently do not anticipate the filing of any additional cases.

Timing of pretrial conference. Subject to the Court's availability, the Parties suggest April 6th, 8th, or 14th for the initial pretrial conference. If these dates are not convenient for the Court, the Parties stand ready to respond promptly to any other dates convenient to the Court.

Time required for pretrial conference. The Parties believe the initial pretrial conference should be completed within one hour.

Proposed agenda. The Parties suggest that the following matters be discussed at the initial pretrial conference.

- 1) The appointment of a leadership structure for Plaintiffs' counsel. Plaintiffs' counsel have reached an agreement on leadership, subject to the Court's approval. They are preparing the motion for appointment and the related proposed order. If they are unable to finalize those by the time of the pretrial conference, they will seek leave to do so by a short date thereafter. If completed before the pretrial conference, they will seek leave to file them with the Court in advance of the pretrial conference.
- 2) The deadline for Plaintiffs to file an Amended Consolidated Class Action Complaint. The parties agree that Plaintiffs should have 45 days to file a consolidated amended complaint after the appointment of a leadership structure for Plaintiffs' counsel.

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- 3) The deadline for Defendants to file their answers or their motion(s) to dismiss Plaintiffs' Amended Consolidated Class Action Complaint and briefing relating to same. The parties agree that Defendants should be afforded 45 days from the date of filing of the Amended Consolidated Class Action Complaint to respond. The rest of the briefing and argument schedule shall be set pursuant to the Local Rules of the United States District Court for the District of Minnesota.
- 4) The parties have a disagreement on the commencement of discovery. Plaintiffs believe discovery should proceed immediately following entry of the Court's Order appointing Plaintiffs' counsel's leadership structure and that a scheduling conference under Fed. R. Civ. P. 16 should be held no later than 45 days following entry of such Order. Defendants believe discovery and the Rule 16 conference should be stayed pending the Court's ruling on their motion(s) to dismiss the Amended Consolidated Complaint, or until their answer(s) are filed. The Parties would like to discuss this disagreement at the initial pretrial conference.
- 5) Any additional matter the Court wishes to discuss.

Respectfully submitted,

/s Ben Barnow

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Respectfully submitted,

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Respectfully submitted,

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